

DT11 Rec'd PCT/PTO JUN 19 2002

Patent

Attorney's Docket No. 012627-025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Han Konrad SCHACKERT *et al.*)

Application No.: 09/936,738)

Filed: September 17, 2001)

For: METHOD FOR IDENTIFYING)
ORGANISMS BY MEANS OF)
COMPARATIVE GENETIC)
ANALYSIS AND PRIMERS AND)
HYBRIDISATION PROBES FOR)
CARRYING OUT THIS METHOD)

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No.: 8967

RECEIVED

AUG 06 2002

TECH CENTER 1600/2900

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Response is filed in further response to the Notification of Defective Response dated April 11, 2002 and the Notification of Missing Requirements dated November 19, 2001.

A Notification of Defective Response (copy enclosed) was mailed on April 11, 2002, requiring a Sequence Listing and an additional \$65.00 Declaration surcharge fee (for a large entity). Applicants respectfully note the following.

This application was originally filed as a large entity on September 17, 2001. However, this application is a small entity. Thus, on November 14, 2001, a Request for Refund was filed (copy of stamped postcard receipt enclosed). On February 19, 2002, an executed Declaration (with the \$65.00 small entity surcharge fee), Substitute Sequence

Listing, Declaration under 37 C.F.R. §§ 1.821-1.825, and Petition for Extension of Time were filed in the U.S. Patent and Trademark Office in response to the Notification of Missing Requirements (copy enclosed and dated November 19, 2002). A copy of the stamped postcard receipt for these filings is enclosed. On May 13, 2002, a Substitute Sequence Listing was filed in response to the April 11, 2002 Notification of Defective Response (copy of stamped postcard receipt enclosed).

This application is entitled to small entity status. No further fee is believed to be due. However, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any over payment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Applicants respectfully note that all requirements have been met, and request prosecution on the merits.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Deborah H. Yellin
Registration No. 45,904

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: June 19, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,738	Hans Schackert	012627-025

INTERNATIONAL APPLICATION NO.

PCT/EP00/02330

I.A. FILING DATE

09/21/2000

PRIORITY DATE

03/16/1999

Teresa Stanek Rae
Burns Doane Swecker & Mathis
PO Box 1404
Alexandria, VA 22313-1404

CONFIRMATION NO. 8967

371 FORMALITIES LETTER



OC000000007838093

Date Mailed: 04/11/2002

NOTIFICATION OF DEFECTIVE RESPONSE

URGENT

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments

Huber + Schusser
TSR/DHY
C.C.
4/16
EKS
4-18-02

Declaration Sequence Listing
4/19/02 with extension
or 5/11/02 without Ext.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

APR 16 '02

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- APPLICANT MUST PROVIDE:
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

● For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Large Entity:

- **\$65** Late oath or declaration Surcharge.
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

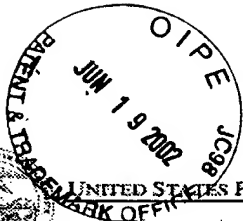
*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,738	PCT/EP00/02330	012627-025



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,738	Hans Schackert	012627-025

INTERNATIONAL APPLICATION NO.

PCT/EP00/02330

I.A. FILING DATE

09/21/2000

PRIORITY DATE

03/16/1999

Teresa Stanek Rae
Burns Doane Swecker & Mathis
PO Box 1404
Alexandria, VA 22313-1404

CONFIRMATION NO. 8967

371 FORMALITIES LETTER



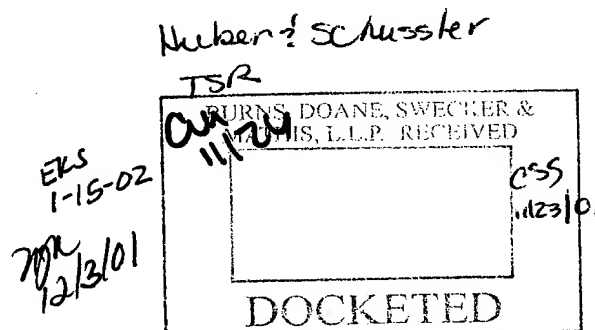
OC000000007078406

Date Mailed: 11/19/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments



Declaration of Sequence listing due 11/19/02

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required

NOV 27 01

by 37 CFR 1.821(e).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,738	PCT/EP00/02330	012627-025

Inventor: Hans SCHACKERT et al. · Appln. No.: 09/936,738 Int'l. Filing Date: March 16, 2000
Docket No.: 012627-025 Work Atty.: TSR/njr Date: November 14, 2001



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Amendment or Response | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Certificate Under 37 C.F.R. § 3.73(b) | <input type="checkbox"/> Check for \$__ is enclosed |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Transmittal Letter for Missing Parts of Application | <input type="checkbox"/> Executed Declaration/Power of Attorney | <input type="checkbox"/> Check for \$__ is enclosed |
| <input type="checkbox"/> Reply Transmittal Letter | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Claim for Convention Priority w/_ certified copy(s) | <input type="checkbox"/> Charge \$__ to Deposit Account |
| <input type="checkbox"/> Petition for _ Month Extension of Time | <input type="checkbox"/> Information Disclosure Statement w/_ document(s) | <input type="checkbox"/> Information Disclosure Citation (PTO-1449) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Submission of Formal Drawings w/_ sheet(s) of drawings (Fig(s). 1-_) | <input type="checkbox"/> Information Disclosure Statement Transmittal Letter | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/copy of Notice | <input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account |
| <input type="checkbox"/> Request for Approval of Drawing Changes w/_ sheet(s) of red ink drawings | <input type="checkbox"/> Request for Continued Examination | <input checked="" type="checkbox"/> Request for Refund of Filing Fee | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Notice of Appeal | | | <input type="checkbox"/> Status Inquiry |
| <input type="checkbox"/> Brief for Appellant | | | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt |
| <input type="checkbox"/> Request for Oral Hearing | | | |
| <input type="checkbox"/> Reply Brief | | | |
| <input type="checkbox"/> Response to Restriction Requirement or Election of Species | | | |



(10/00)

35

RECEIVED

AUG 06 2002

TECH CENTER 1600/2900